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Section VIII. Debauchery

Art. 149. (Amend. - SG 28/82, in force from 01.07.1982; amend. - SG 89/86) (1) (Amend. - SG 107/96; amend. - SG 75/06, in force from 13.10.2006) Whoever commits an act in order to arouse or satisfy a sexual desire without a copulation regarding a person who has not accomplished 14 years of age shall be punished for fornication by imprisonment from one to six years.

(2) (Amend. - SG 107/96; suppl. - SG 27/09; amend. “ SG 74/15) The fornication shall be punished by imprisonment between two and eight years, where it was committed:

- 1 at. by using force or threat;
2. by making the victim defenceless;
3. by taking advantage of a defenceless victim;
4. by taking advantage of dependency or control relations;
5. in respect of a person engaged in prostitution.

(3) (Amend. - SG 107/96; amend. - SG 38/07) If the act under the preceding paras is repeated, the punishment shall be imprisonment of three to ten years.

(4) (New - SG 107/96) The punishment for fornication shall be imprisonment of three to fifteen years:

1. if it is committed by two or more persons;
2. (revoked - SG 62/97; new - SG 74/15) if committed in respect of a person unable to understand the meaning or significance of the act;
3. (revoked - SG 62/97)
4. (revoked - SG 62/97)

(5) (New - SG 62/97) The punishment for fornication shall be imprisonment of five to twenty years:

1. if the subject of fornication have been two or more minors;
2. if a serious bodily harm has been caused or a suicide attempt has followed;
3. if it represents a dangerous recidivism;
4. (new at “ SG 38/07) if it represents a particularly severe case.

Art. 150. (1) (Amend. - SG 28/82, in force from 01.07.1982; amend. - SG 89/86, amend. - SG 107/96; amend. - SG 75/06, in force from 13.10.2006; prev. text of Art. 150, amend. and suppl. - SG 27/09; amend. at “ SG 26/10) Whoever commits an act with the purpose of arousing or satisfying a sexual desire without copulation regarding a person who has accomplished 14 years of age, by using force or threat, availing himself of his helpless status or by bringing him to such a status or by taking advantage of dependency or control shall be punished by imprisonment from two to eight years.

(2) (New - SG 74/15) The penalty under Para 1 shall be imposed also a person who has committed the act referred to in Para 1 in respect of a juvenile engaged in prostitution.

(3) (New - SG 27/09; amend. at “ SG 26/10; prev. text of Para 02, amend. and suppl. - SG 74/15) There the act referred to in Para 1 was committed in respect of a person unable to understand the meaning and significance of the act, or the act qualifies as a explicitly severe case, the penalty shall be imprisonment from three to ten years.

Art. 151. (1) (Amend. - SG 75/06, in force from 13.10.2006) Whoever copulates with a person who has not accomplished 14 years of age, inasmuch as the act does not constitute a crime according to Art. 152, shall be punished by imprisonment of two to six years.

(2) (New - SG 74/15) Where the act referred to in Para. 1 was committed:

1. by taking advantage of a position of dependency or supervision;
2. in respect of a person under the age of 14, engaged in prostitution;
3. by two or more persons, the punishment shall be imprisonment between two and eight years.

(3) (New - SG 27/09; amend. at “ SG 26/10; amend. at “ SG 26/10; amend. at “ SG 26/10; prev. text of Para 02 - SG 74/15) Where the act referred to in Para 1 was committed with a juvenile by taking advantage of dependency or control, the penalty shall be imprisonment from one to five years.

(4) (prev. text of Para 02 - SG 27/09; amend. at “ SG 26/10; prev. text of Para 03 - SG 74/15) Whoever copulates with a person who has accomplished 14 years of age, who does not understand the characteristic or the importance of the act, shall be punished by imprisonment of up to five years.

Art. 152. (1) Whoever copulates with a female person:

1. unable to defend herself and without her consent;
 2. forcing her to it by force or threat;
 3. by bringing her to a helpless state,
- shall be punished for rape by imprisonment of two to eight years.

(2) The punishment for rape shall be imprisonment of three to ten years:

1. (amend. - SG 92/02) when the raped woman has not accomplished eighteen years of age;
2. when she is a descending kinswoman;
3. (new - SG 28/82, in force from 01.07.1982) when it is committed for a second time.

(3) (Amend. - SG 28/82, in force from 01.07.1982) The punishment for rape shall be imprisonment of three to fifteen years:

1. when it has been committed by two or more persons;
2. when an average bodily harm has been caused;
3. when a suicide attempt has followed;
4. (new - SG 92/02) if it has been committed for the purpose of engagement in subsequent lewd activities or prostitution;
5. (prev. item 4 - SG 92/02) if it represents a dangerous recidivism.

(4) (Amend. - SG 28/82, in force from 01.07.1982; amend. - SG 92/02) The penalty for rape shall be imprisonment of ten to twenty years:

1. if the raped woman has not accomplished fourteen years of age;
2. if severe bodily harm has been caused;
3. if a suicide attempt has followed;
4. if it represents a particularly severe case.

Art. 153. (Amend. - SG 75/06, in force from 13.10.2006) Whoever copulates with another person by using his/her employment or material dependence on him/her, shall be punished by imprisonment of up to three years.

Art. 154. Copulation between ascendants and descendants, between brothers and sisters and between adopter and adopted shall be punished by imprisonment of up to three years.

Art. 154a. (1) (New - SG 27/09; prev. text of Art. 154a, amend. - SG 74/15) Whoever commits fornication or copulation with a juvenile practising prostitution shall be punished by imprisonment of up to three years.

(2) (New - SG 74/15) Where the act under Para 1 was repeated or committed by two or more persons, the penalty shall be imprisonment between one and five years.

Art. 155. (Amend. - SG 28/82, in force from 01.07.1982) (1) (Amend. - SG 10/93; amend. - SG 62/97; amend. - SG 92/02; amend. - SG 26/04; amend. - SG 75/06, in force from 13.10.2006) Whoever persuades another person to prostitute or bawds to fornication or to copulation shall be punished by imprisonment of up to three years and a fine of one thousand to three thousand levs.

(2) (Amend. - SG 10/93; SG 62/97; amend. - SG 75/06, in force from 13.10.2006) Whoever provides systematically premises to different persons for sexual intercourse or for fornication shall be punished by imprisonment of up to five years and by a fine of one thousand levs to five thousand levs.

(3) (New - SG 62/97; amend. - SG 92/02; amend. - SG 75/06, in force from 13.10.2006) The punishment for the acts under para 1 and 2, committed with the motive to profit, shall be imprisonment of one to six years and a fine of five thousand levs to fifteen thousand levs.

(4) (New - SG 21/00; amend. - SG 75/06, in force from 13.10.2006) Whoever persuades or forces another person to using narcotic substances or their analogues for the purpose of prostituting, copulation, fornication or carrying out sexual intercourse or act of sexual satisfaction with a person of the same sex, shall be punished by imprisonment of five to fifteen years and by a fine of ten thousand to fifty thousand levs.

(5) (New - SG 21/00; suppl. at “ SG 75/06, in force from 13.10.2006; amend. - SG 38/07) When the act under para 1-4 has been committed:

1. by a person who acts on behalf of or in fulfillment of a decision of an organized criminal group;

2. against a person less than 18 years of age or insane;

3. against two or more persons;

4. repeatedly;

5. in the context of dangerous recidivism,

the penalty in the cases of Para 1 and 2 shall be imprisonment from two to eight years and a fine from five thousand to fifteen thousand levs, in the cases of Para 3 - imprisonment from three to ten years and a fine from ten thousand to twenty-five thousand levs, and in the cases of Para 4 at “ imprisonment of ten to twenty years and fine of one hundred thousand to three hundred thousand levs.

(6) (Prev., para 3, amend. - SG 62/97; prev. para 4 - SG 21/00; revoked at “ SG 75/06, in force from 13.10.2006)

(7) (Prev., para 4, amend. - SG 62/97; prev. para 5 - SG 21/00; amend. - SG 92/20, in force from 01.01.2005; amend. regarding the entry into force at “ SG 26/04, in force from 01.01.2004, revoked at “ SG 103/04, in force from 01.01.2005)

Art. 155a. (New at “ SG 38/07; amend. - SG 74/15) (1) (Amend. - SG 67/23) Whoever, providing or collecting information by information or communication technologies or by other means, on a person under the age of 18, in order to enable the contact with him for the purpose of performing fornication, copulation, sexual intercourse, prostitution, production

of pornographic material or participation in a pornographic performance, shall be punished by imprisonment from three to ten years and a fine from ten thousand to twenty thousand levs.

(2) The penalty under Para 1 shall also be imposed to anybody, who, by information or communication technologies or other means, establishes a contact with a person under the age of 14 in order to perform fornication, copulation, sexual intercourse, for the creation of pornographic materials or participation in a pornographic performance.

Art. 155b. (1) (New - SG 27/09; prev. text of Art. 155b, amend. - SG 26/10, amend. - SG 53/22, amend. - SG 67/23) Whoever persuades a person less than 14 years of age to observe actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious display of human sexual organs, sodomy, masturbation, sexual sadism or masochism, shall be punished by imprisonment from three to ten years.

(2) (New - SG 53/22, amend. - SG 67/23) Whoever persuades a person less than 14 years of age to take part in actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious display of human sexual organs, sodomy, masturbation, sexual sadism or masochism, shall be punished by imprisonment from five to ten years.

(3) (New - SG 74/15, previous Para. 2 - SG 53/22) Where the act referred to in Para. 1 was committed:

1. by use of force or threats;
2. by taking advantage of a position of dependency or supervision;
3. by two or more persons who have agreed between themselves in advance;
4. (amend. - SG 53/22, amend. - SG 67/23) repeatedly, the punishment shall be imprisonment from five to fifteen years.

Art. 155c. (1) (New - SG 74/15, previous text of Art. 155c, amend. - SG 53/22, amend. - SG 67/23) Whoever, by the use of force or intimidation, or taking advantage of a position of dependency or supervision, induces a juvenile to observe a real, virtual or simulated act of fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism, or lascivious exhibition of human genitalia, shall be punished by imprisonment from three to seven years.

(2) (New - SG 53/22, amend. - SG 67/23) Whoever, through the use of force or threats, or through the use of a position of dependence or supervision, persuades a juvenile to participate in an actual, virtual or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism, as well as lascivious display of human genitalia, shall be punished by imprisonment from three to ten years.

Art. 156. (Amend. - SG 10/93; amend. - SG 62/97) (1) (Amend. at “ SG 75/06, in force from 13.10.2006, amend. - SG 67/23) Whoever abducts another person for the purpose of debauchery shall be punished by imprisonment of three to ten years and by a fine of up to ten thousand levs.

(2) (New - SG 62/97; amend. at “ SG 75/06, in force from 13.10.2006) The penalty shall be imprisonment of five to twelve years when:

1. the abducted person has not accomplished 18 years of age;
2. the abducted person has been placed at a disposal for debauchery, or
3. the abduction has had the purpose of placing the person at a disposal for debauchery outside the country.

(3) (New at “ SG 75/06, in force from 13.10.2006) The penalty shall be imprisonment of five to fifteen years and a fine of five thousand to twenty thousand levs, when:

1. the act is committed by a person who acts by an order or in fulfilment of a decision of an organised criminal group;
2. the abducted person is taken for the purpose of lewd activities out of the country;
3. the act represents a dangerous recidivism.

Art. 157. (Amend. - SG 28/82, in force from 01.07.1982; amend. - SG 74/15) (1) Whoever carries out sexual intercourse or an act of sexual satisfaction with a person of the same sex by using force or threat or using a state of dependence or supervision, as well as with a person unable to defend himself, shall be punished by imprisonment of two to eight years.

(2) (Amend. - SG 67/23) Where the act referred to in Para 1 has been committed with regard to a juvenile engaged in prostitution, the penalty shall be imprisonment from five to ten years.

(3) (Amend. - SG 67/23) In case the act under para 1 has been committed with regards to a person, who has not accomplished 14 years of age, the penalty shall be imprisonment from five to twelve years.

(4) (Amend. - SG 67/23) Whoever carries out sexual intercourse or acts of sexual satisfaction with a person of the *same sex under 14 years of age*, shall be punished by imprisonment from three to ten years.

(5) (Amend. - SG 67/23) Where the act referred to in Para 4 has been committed with regard to a person under the age of 14, engaged in prostitution, the penalty shall be imprisonment from three to ten years.

(6) (Amend. - SG 67/23) Whoever carries out sexual intercourse or acts of sexual satisfaction with a person of the same sex having accomplished 14 years of age, who does not understand the nature or the importance of the act shall be punished by imprisonment of three to ten years.

(7) Where the act under Para 1 - 6 qualifies as a particularly serious case the penalty shall be imprisonment of five to twenty years.

Art. 158. (Amend. - SG 28/82, in force from 01.07.1982; revoked - SG 74/15)

Art. 158a. (New - SG 27/09; amend. - SG 74/15) (1) (Amend. - SG 67/23) Whoever who in whatever way recruits, aids or uses a person under the age of 18 or a group of such persons to participate in a pornographic performance shall be punished by imprisonment from three to ten years.

(2) (Amend. - SG 67/23) Whoever forces a person under the age of 18 or a group of such persons to participate in a pornographic performance shall be punished by imprisonment from three to ten years.

(3) (Amend. - SG 67/23) Where the acts under Para 1 and 2 are committed with regard to a person under the age of 14 the penalty shall be imprisonment from three to eight years.

(4) Where a proprietary benefit was received for committing the act, the penalty shall be:

1. (amend. - SG 67/23) in the cases of Para 1 or 2 - imprisonment from three to ten years and fine of ten thousand to twenty thousand levs;

2. in the cases of Para 3 - imprisonment of three to ten years and fine of twenty thousand to fifty thousand levs.

(5) (Amend. - SG 67/23) Whoever observing a pornographic performance with the participation of a person under the age of 18 shall be punished by imprisonment of up to five years.

Art. 158b. (New - SG 74/15) For crimes under Art. 149 - 157 or Art. 158a the court may impose deprivation of a right under Art. 37, Para 1, Item 6 or 7.

Art. 159. (Amend. - SG 28/82, in force from 01.07.1982; amend. - SG 10/93; amend. - SG 62/97; amend. - SG 92/02) (1) (Amend. - SG 38/07) Whoever produces, exhibits, broadcasts, offers, sells, lends or in any other way circulates pornographic materials shall be punished by imprisonment of up to one year and a fine of one thousand to three thousand levs.

(2) (New at “ SG 38/07; suppl. - SG 27/09; amend. - SG 74/15) Whoever circulates pornographic material through information or communication technologies or in another similar way shall be punished by imprisonment of up to two years and fine of one thousand to three thousand levs.

(3) (Prev. text of para 02, amend. - SG 38/07, amend. - SG 53/22) Whoever exhibits, presents, offers, sells, lends or in any other way circulates pornographic materials to persons under 16 years of age shall be punished by imprisonment of up to six years and a fine of up to five thousand levs.

(4) (Amend. at “ SG 75/06, in force from 13.10.2006; prev. text of para 03, amend. - SG 38/07; amend. - SG 74/15, amend. - SG 67/23) For an act under para 1 - 3, the penalty shall be imprisonment from three to six years and a fine of up to ten thousand levs, where:

1. for the purposes of creation of the pornographic material was used a person under the age of 18 or a person with such an appearance;

2. for the purposes of creation of the pornographic material was used a person unable to understand nature or meaning of the act;

3. committed by two or more persons;

4. committed repeatedly.

(5) (Prev. text of para 04, amend. - SG 38/07, amend. - SG 67/23) When the act under para 1 - 4 has been committed by an errand or in fulfilment of a decision of an organised criminal group, the penalty shall be imprisonment from three to ten years and a fine of up to twenty thousand levs, as the court may rule confiscation of a part or of the whole property of the offender.

(6) (Prev. text of para 05, amend. - SG 38/07; amend. - SG 74/15, amend. - SG 67/23) Whoever keeps or obtains for himself or for another person through information or communication technologies or in any other way pornographic materials for the creation of which a person less than 18 years of age or a person with such appearance has been used, shall be punished by imprisonment of up to five year or a fine of up to ten thousand levs.

(7) (New - SG 74/15) The penalty under Para 6 shall be imposed also to a person consciously accessing by means of information or communication technology pornographic materials, which creation involved the use of a person under the age of 18 or a person with such appearance.

(8) (New - SG 74/15) In the cases of Para 1 - 7 the court may impose also deprivation of a right under Art. 37, Para 1, Items 6 or 7.

(9) (Prev. text of para 06 - SG 38/07; prev. text of Para 07 - SG 74/15) The subject of the crime shall be seized in favour of the state, and if it is missing or has been expropriated, its equivalence shall be awarded.